

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

MITCHELL CUPP,

Plaintiff,

v.

ROCKY CLAYTON, ET AL.,

Defendants.

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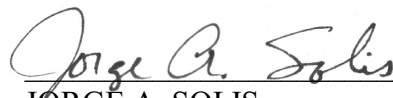
NO. 3:04-CV-0953-P

**ORDER ACCEPTING FINDINGS, CONCLUSIONS AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE**

United States Magistrate Judge William F. Sanderson, Jr., made findings, conclusions and a recommendation in this case. No objections were filed. The District Court reviewed the proposed findings, conclusions and recommendation for plain error. Finding none, the Court accepts the Findings, Conclusions and Recommendation of the United States Magistrate Judge.

IT IS FURTHER ORDERED that this Court finds that Petitioner's notice of appeal was TIMELY filed and this case is returned to the Fifth Circuit for further proceedings.

SO ORDERED this 21st day of February 2007.



JORGE A. SOLIS

UNITED STATES DISTRICT JUDGE